UNITED STATES PATENT AND TRADEMARK OFFICE

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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
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EXAMINER
BAYOU, YONAS A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *03 March 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-34* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-34* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *04/08/2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to applicant's response filed on 03/03/2008.

2.   Claims 1-34 are pending.

3.   Claims 1, 11-12 and 32 are amended.

4.   Applicant's arguments have been fully considered but they are not persuasive.

5.   When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

Response to Arguments

1.   Applicant, on page 10, lines 3-18, of the remarks, argues in the method of claims 1, 11, 21 and 32, Abbott does not teach: "wherein at least some of the rules of the firewall ruleset each specify a different application type;" and "l;ocating each rule in the firewall ruleset that includes a parameter specifying the particular type of the requesting application; and determining whether the located rules are satisfied; whereby the rules are applied to each requesting application according to its respective application type."

Examiner respectfully disagrees and asserts that Abbott discloses that the notification requests can be created based not only on explicit requests, but also after

the occurrence of a particular type of event (e.g., if a CC (context client) requests a

value for an attribute for which no CSes (context servers) are currently supplying

values, a notification request could be automatically created to alert the CC if a CS later

registers to supply values for the attribute) [see, for example, **15:51-57 and fig. 17**]. And

a variety of types of information related to attribute values (e.g., uncertainty or accuracy

information, a timestamp of when the value was created or supplied or was most

accurate, an indication that the value is a constant, indications of restrictions on whether

the availability of the attribute instance or of the particular value should be available to

any or to specified CCs, data type, units, a format version, a name, any generic attribute

property supplied by the CS, etc.) can be received from CSes, can be used by the CM

to determine whether and how to supply the values to CCs, can be supplied to CCs,

and can be used by CCs when processing the received attribute values. For example,

units as indicated below could be specified **[24:10-23 and fig. 23]**.

2.   Examiner, however, in light of the above submission maintains the previous

rejections while considering the amendments to the claims as follows:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Abbott

et al., Patent No.: US 7,046,263 B1 (hereinafter Abbott).

Referring to claims 1 and 11, Abbott teaches a computer readable medium, a

computer and a method of, comprising:

receiving, from a requesting application, a request for emotion data

characterizing an emotional state of a user, wherein the requesting application is of a

particular type **[15:51-57; 19:18-25 and figs. 17 and 20A**; attributes corresponding to

an emotional state of a user (see fig. 15)];

accessing a firewall ruleset defining rules governing the transfer of the emotion

data to requesting applications, wherein at least some of the rules of the firewall ruleset

each specify a different application type selected from a plurality of application types;

[19:2-6; 24:10-23 and figs. 20A and 23; security authorization corresponding to a

firewall]];

determining whether to provide the emotion data to the requesting application;

wherein determining comprises;

locating each rule in the firewall ruleset that includes a parameter specifying the

particular type of the requesting application **[5:25-29; 15:51-57 and 16:65 – 17:3]**; and

determining whether the located rules are satisfied; whereby the rules are

applied to each requesting application according to its respective application type

[15:51-57; 24:10-23 and figs. 17 and 23]; and

denying the request if the firewall ruleset rules are not satisfied **[19:6-9**; error

message corresponding to denying the request].

Referring to claims 2, 3, 12 and 13, Abbott teaches a computer readable storage

medium, a computer and a method, providing the requested emotion data to the

requesting application if the firewall ruleset rules are satisfied **[16:65 – 17:3**; security

requirement corresponding to firewall ruleset].

Referring to claims 4 and 18, Abbott teaches a computer readable storage

medium, a computer and a method, wherein the emotional state characterized by the

emotion data is one of angry, sad, happy, excited, nervous, interested and any

combination thereof **[8: 52-66 and 10: 20-23]**.

Referring to claim 5, Abbott teaches a computer readable storage medium, a

computer and a method, wherein the emotional state characterized by the emotion data

is any calculable human emotion **[12: 4-10 and fig. 5]**.

Referring to claims 6, 19 and 22, Abbott teaches a computer readable storage medium, a computer and a method, wherein the firewall ruleset is configurable by the user **[17:51-58].**

Referring to claims 7, 16 and 20, Abbott teaches a computer readable storage medium, a computer and a method, wherein the requesting application is a web-based application and the request is received via the Internet **[9:22-40 and fig. 1]**.

Referring to claims 8-10, 14 and 30, Abbott teaches a computer readable storage medium, a computer and a method, wherein the emotion data is based on measurements of physiological parameters **[8:52-66 and 10:20-35]**.

Referring to claims 15, 25, 27 and 28, Abbott teaches a computer readable storage medium, a computer and a method, further comprising:

collecting input data from at least one input device interfacing with the user **[7:43-48 and fig. 1]**; and

generating the emotion data on the basis of the collected input data **[7:48-57 and fig. 1]**.

Referring to claims 17, 24 and 26, Abbott teaches a computer readable storage medium, a computer and a method, wherein the firewall ruleset is a component of an emotion firewall configured with an application programming interface defining a protocol for requesting the data by the applications **[5:66 –6:13]**.

Referring to claim 23, Abbott teaches a computer readable storage medium, a computer and a method, wherein the emotions firewall is middleware **[5:44-49]**.

Referring to claims 29 and 34, Abbott teaches a computer readable storage medium, a computer and a method, wherein at least one input device is configured to measure at least one of typing speed, typing patterns, typing pressure and mouse grip pressure **[8:52-66]**.

Referring to claims 31 and 33, Abbott teaches a computer readable storage medium, a computer and a method, wherein the sensory device comprises at least one of a heart rate monitor, a blood pressure measuring device, a galvanic skin response detector, an movement detector **[8:52-66; 10:20-35 and fig. 1]**.

Referring to claims 21 and 32, Abbott teaches a computer readable storage medium, a computer and a method, comprising:

a processor **[2:14-16**; sensors have processors to process applications];

a source of physiological data of a user, the physiological data having been collected by at least one input device interfacing with the user **[8:52-66; 10:20-35 and fig. 1]**; and

an emotion firewall configured with:

an application programming interface defining a protocol for requesting the physiological data by applications, wherein the requesting application is of a particular type **[5:66 –6:13; 15:51-57; 19:18-25 and figs. 17 and 20A]**; and

a firewall ruleset defining rules governing the transfer of the physiological data in response to requests by the applications, wherein at least some of the rules of the firewall ruleset each specify a different application type selected from a plurality of application types **[19:2-6; 24:10-23 and figs. 20A and 23]**;

wherein the emotion firewall, when executed by the processor, is configured to determine whether to provide requested physiological data to a requesting application by **[5:25-29 and 16:65 – 17:3]**;

locating each rule in the firewall ruleset that includes a parameter specifying the particular type of the requesting application **[5:25-29; 15:51-57 and 16:65 – 17:3]**; and

determining whether the located rules are satisfied; whereby the rules are applied to each requesting application according to its respective application type **[15:51-57; 24:10-23 and figs. 17 and 23]**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to YONAS BAYOU whose telephone number is (571)272-

7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonas Bayou/

Examiner, Art Unit 2134

05/21/2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2134